

REMARKS

The present remarks are responsive to the Office Action mailed October 5, 2004, the shortened statutory response period expiring on January 5, 2005. Applicant submits herewith a three-month extension petition to reset the deadline for responding to the Office Action to and including April 5, 2005. In view of the following amendments and remarks, reconsideration of the Examiner's rejection and notice of allowance of all pending claims is respectfully requested.

Claims 1-24 were pending in the present application and were the subject of the present Office Action. Many of these claims have been amended. By way of this Amendment, claims 25-31 have been added and claims 19-24 have been cancelled. Accordingly, claims 1-18 and 25-30 are currently pending in the present application. No new matter has been introduced by way of these claim amendments.

Applicant notes that claim 12 has been amended to correct a minor informality.

In paragraph 1 of the Office Action, the Examiner confirmed the meaning of "direct contact" as discussed with the undersigned in September 2004. The Examiner's understanding and use of "direct contact" appears consistent with Applicant's intended meaning.

In paragraph 2 of the Office Action, the Examiner objected to claim 1 because of informalities regarding the word "sensory." Applicant has amended claim 1 to replace the occurrences of "sensory" with the word "sensor."

In paragraph 3 of the Office Action, the Examiner rejected claims 1-5 and 13-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,064,855 issued to Ho ("Ho") in view of U.S. Patent No. 5,466,158 issued to Smith, III ("Smith"). Of claims 1-5 and 13-18, claims 1 and 13 are independent claims. Both of these independent claims have been

amended to more clearly claim those aspects of the invention intended to be covered by claims 1 and 13. In accordance with those aspects of the invention claimed in claims 1 and 13, the invention requires either magnetic switches, as claimed in claim 1, or individualized reading elements operative to move between an opened and closed position in response to the absence or presence of a magnetic signature, as claimed in claim 13. Thus, in accordance with claims 1 and 13, placement of magnetic signatures in proximity to magnetic switches or magnetically movable reading elements serves to identify the page of the book which is open for viewing such that audio associated with that page may be played by the speaker. Notably, the *Ho* reference operates with mechanisms patentably distinct from magnetic switches or magnetically movable reading elements.

In accordance with the specification of *Ho*, the structure disclosed for performing the function of page detection is a signal receiver 72 (see col. 4, lns. 47-63), such as an optical signal receiver, a plurality of magnetic field sensors 74 (see col. 5, lns. 39-43), or a mechanical contact switch 71'. (See col. 6, lns. 4-9.) Disregarding the signal receiver as being irrelevant for present purposes, the detection structure of *Ho* is either a magnetic field sensor 74 capable of detecting a specific magnetic field generated from a magnetic field generator 75 mounted in a page of a book, or a mechanical contact switch 71'.

Magnetic switches or magnetically movable reading elements, such as those claimed in claims 1 and 13 of the present invention, enjoy substantial advantages over both magnetic field sensors and mechanical contact switches, as disclosed in *Ho*. Magnetic field sensors typically utilize the Lorentz force of Hall effect to alter the resistance in a semiconductor material in the presence of a magnetic field. Typically, the resistance across the semiconductor will increase in the presence of a

magnetic field. A properly designed circuit may detect this increase in resistance to indicate the presence of a magnetic field. Such a system requires constant power to monitor the resistance across the semiconductor. As such, power consumption for the system may be quite high. In addition, the electronics associated with detecting the resistance increase are often intricate and costly.

Conversely, magnetic switches and magnetically movable reading elements are very simple and inexpensive devices. Typically, magnetic switches, such as reed switches, comprise a pair of flexible ferrous metal contacts hermetically sealed within a gas filled container. Other types of magnetic switches operate on the same principle but the contacts are not sealed within a gas filled container. Magnetically moveable reading elements, such as magnetic plunger switches, may also contain ferrous metal contacts. In the case of a normally open switch or magnetically moveable reading element, the ferrous metal contacts are spaced apart in the absence of a magnetic field. The presence of the magnetic field either draws the two contacts together, to close the circuit, or moves an element to complete the circuit.

Because the switches or magnetically moveable reading elements are typically housed in a sealed container, they are immune to dirt and other contaminants. Where not hermetically sealed in a container, magnetic switches or magnetically moveable reading elements may be housed within the body of a device to serve the same protective purpose. Further, because the switch or magnetically moveable reading elements may be manufactured as a normally open switch or magnetically moveable reading element, no current will flow through the switch or magnetically moveable reading element in the absence of a magnetic field. Power consumption during this time period is minimal or non-existent. Finally, magnetic switches or

magnetically moveable reading elements are not as susceptible to false readings as mechanical contact switches are in this application.

Mechanical contact switches, although sharing many of the simplicities of magnetic switches or magnetically moveable reading elements, suffer from substantial drawbacks in the present application. Because mechanical contact switches are generally spring-actuated switches which may be closed upon the presence of a sufficient force upon the spring, contact switches are easily tripped, or inadvertently closed. For example, in the case of a voice book system, such as the system of *Ho*, the contact switch may be tripped by the user placing weight inadvertently, such as the weight of hand, over the switch. One can imagine that a small child may do this quite often. Such actions would cause audio of a page of the book which is not open to be read through the speaker. On the other hand, magnetic switches require the presence of a magnetic field to be actuated. The risk of inadvertent actuation of a magnetic switch is therefore much less than the risk associated with a mechanical contact switch.

It is for at least these reasons that present claims 1 and 13, which have been amended to feature either magnetic switches or magnetically movable reading elements, are deemed to be patentable over the art of record. Applicant notes here that the *Smith* reference, also cited by the Examiner in this rejection, utilizes contact switches and thus offers no further support for this rejection relative to the points made above. Rather, *Smith* is cited for the presence of a cartridge.

Because claims 2-5 and 14-18 depend from claim 1 or 13, each are deemed allowable. Notwithstanding, these claims are believed to include patentable subject matter in their own right.

In paragraph 4 of the Office Action, the Examiner rejected claims 6-12 under 35 U.S.C. § 103(a) as being unpatentable over *Ho*. Of claims 6-12, claim 6 is an independent claim. Each of claims 7-12 depend from claim 6. Accordingly, claims 7-12 will be deemed allowable based on the allowability of claim 6 if found allowable. Applicant notes that claims 7-12 are also believed to include patentable subject matter in their own right.

Claim 6 has been amended to specify that the reading elements are magnetic switches. As discussed above, it is believed that use of magnetic switches is a patentable feature over the *Ho* reference, which utilizes a signal receiver 72, magnetic field sensors 74, or mechanical contact switches 71'. Claim 6, and therefore claims 7-12, are deemed allowable.

In paragraph 5 of the Office Action, the Examiner rejected claims 19-24 under 35 U.S.C. § 103(a) as being unpatentable over *Smith*. In light of the Examiner's indication that a restriction would follow any arguments, Applicant has foregone such arguments and cancelled claims 19-24. Applicant reserves the right to prosecute claims 19-24 in one or more continuation applications.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance of the previously rejected claims is earnestly solicited. Applicant also requests allowance of the newly added claims, claims 25-31.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By


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